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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,786	02/13/2002	John E. Holland	3781-002 (03781.0024.1)	9809

7590

10/22/2003

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

After Final Amendment

1. The after-final rejection submitted on July 8, 2003, was entered.

Defective Appeal Brief

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR

1.192(c)

2. The appeal brief filed on July 2, 2002 is defective because (1) it doesn't specifically identify all of the issues. Specifically, the applicant is required to identify that claims 1-13 are provisional rejection under the 35 USC 101 under the heading "Issues"; (2) the appeal brief also doesn't correctly state any arguments related to the provisional double patenting under the headings "Arguments", which is improper. All of the above are in non-compliance with the requirements of 37 CFR 1.192(c). The applicant is required to submit a proper appeal brief correcting the issues above.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Art Unit: 2831

Communication

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'William H. Mayo III', is written over a circular stamp.

WHM III
October 19, 2003